



#3 \$DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Attn: BOX DAC

Applicants: TOKURA et al.

Ser. No.: 10/026,947

Filing Date: December 27, 2001

FOR: RAMP FOR MAGNETIC READ/WRITE APPARATUS AND MAGNETIC
READ/WRITE APPARATUS USING THE SAME

* * *

April 15, 2003

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(a)

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

From the Notice to File Missing Parts, dated February 8, 2002, a copy of which is attached, it is understood that this application may be considered to have been abandoned because the missing parts, including filing fee, oath/declaration and late filing fee were not filed in response. No Notice of Abandonment has been received. Applicants petition the Commissioner to revive the above-referenced patent application because the delay in filing the fee, oath and late filing fee was unavoidable. Applicants petition to revive application under 37 C.F.R. 1.137(a), and thereby proceed to examination of the application.

It was Applicants' intention to pay the outstanding fees and to submit the declaration upon receipt of a Notice to File Missing Parts. Applicants never received the Notice. Applicants did not receive any communication from the USPTO, after the stamped, dated, postcard receipt in January of 2002.

In October, 2002, Applicant filed a status request (copy attached), requesting a

Notice to file Missing Parts. No response was received.

04/17/2003 AWONDAF1 00000011 033975 10026947

04 FC:1452 110.00 CH

30366255v1

RECEIVED

APR 17 2003

OFFICE OF PATENTS

In March of 2003, Applicant again filed a Status Inquiry (copy attached) and further requested a copy of the filing receipt. In response to this request, the Office provided a copy of the filing receipt, dated February 8, 2002, along with a copy of the notice of missing parts, dated the same day.

Because Applicants never received either of these documents, Applicants could not respond to the notice of missing parts. Thus, any delay in filing the oath and fees was unavoidable.

Applicants did not become aware of this situation until receipt of the Filing Receipt and Notice to File Missing Parts, mailed March 11, 2003 and received March 13, 2003 (copies included, along with the Cover Letter for Resending Correspondence).

The filing of the filing fee of \$750, the late filing fee of \$130, and the executed oath is submitted herewith to constitute the reply required under 37 CFR 1.137(a)(1). A copy of the Notice to File Missing Parts is also included.

The petition fee of \$110.00 set forth in Rule 17(l) and required under 37 C.F.R. § 1.137(a)(2) is also submitted herewith. However, if this fee is deemed insufficient to consider the present petition, the Patent Office is authorized to charge the missing or additional fee to our deposit account no. 03-03975, order no. 008312/0290571. A duplicate copy of this paper is attached to insure proper crediting and/or debiting of our deposit account.

As explained above, the entire delay in filing the required reply from April 8, 2002 to the present date was unavoidable in accordance with 37 C.F.R. § 1.137(a)(3).

Finally, in the present case, a terminal disclaimer is not considered to be required under 37 C.F.R. § 1.137(a)(4) because the present application has a filing date after June 8, 1995 (specifically, December 27, 2001). If the Commissioner should require filing a

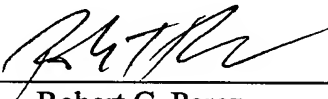
TOKURA et al. – 10/026,947

terminal disclaimer, however, Applicants would be prepared to make the necessary dedication to the public of a terminal part of the term of any patent granted equivalent to the period of abandonment. If this is deemed to be necessary, Applicants respectfully request that the requirement for a terminal disclaimer include a calculation of the term to be disclaimed.

A favorable decision on this petition is earnestly requested. If further information is required, the Patent Office is invited to contact the undersigned.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By 
Robert C. Perez
Reg. No. 39,328
Tel.: (703) 905-2159
Fax: (703) 905-2500

RCP/smm
1600 Tysons Boulevard
McLean, VA 22102
(703) 905-2000